

106TH CONGRESS
1ST SESSION

H. R. 3299

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to insure that law enforcement officers are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 10, 1999

Mr. BARR of Georgia (for himself, Mr. BISHOP, Mr. CRAMER, Mr. CHAMBLISS, Mrs. MYRICK, Mr. NORWOOD, Mr. JONES of North Carolina, Mr. DUNCAN, and Mr. WAMP) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to insure that law enforcement officers are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Law Enforcement Offi-
5 cers Due Process Act of 1999”.

1 **SEC. 2. PROTECTION FOR LAW ENFORCEMENT OFFICERS.**

2 Part E of title I of the Omnibus Crime Control and
3 Safe Streets Act of 1968 is amended by inserting after
4 section 509 the following new section:

5 **“SEC. 509A. DUE PROCESS FOR LAW ENFORCEMENT OFFI-**
6 **CERS.**

7 “(a) STATE REQUIREMENT.—

8 “(1) IN GENERAL.—Except as provided in sub-
9 section (d), each State that receives funds under sec-
10 tion 506 in a fiscal year shall reserve, for distribu-
11 tion to law enforcement agencies in accordance with
12 paragraph (2), not less than 5 percent of such
13 funds.

14 “(2) INCENTIVE PROGRAM.—The State shall
15 provide incentive grants, on an equitable basis from
16 funds reserved under paragraph (1), to each law en-
17 forcement agency in the State that establishes, not
18 later than 2 years after the date of the enactment
19 of the Law Enforcement Officers Due Process Act
20 of 1999, an administrative process that complies
21 with the requirements of subsection (b).

22 “(b) OFFICER RIGHTS.—The administrative process
23 referred to in subsection (a) shall require, except as pro-
24 vided in subsection (c), that a law enforcement agency
25 that investigates a law enforcement officer for matters
26 which could reasonably lead to disciplinary action against

1 such officer, including dismissal, demotion, suspension, or
2 transfer provide recourse for the officer that, at a min-
3 imum, includes the following:

4 “(1) ACCESS TO ADMINISTRATIVE PROCESS.—

5 The agency has written procedures to ensure that
6 any law enforcement officer is afforded access to any
7 existing administrative process established by the
8 employing agency prior to the imposition of any such
9 disciplinary action against the officer.

10 “(2) SPECIFIC PROCEDURES.—The procedures
11 used under paragraph (1) include, the right of a law
12 enforcement officer under investigation—

13 “(A) to a hearing before a fair and impar-
14 tial board or hearing officer;

15 “(B) to be represented by an attorney or
16 other officer at the expense of such officer;

17 “(C) to confront any witness testifying
18 against such officer; and

19 “(D) to record all meetings in which such
20 officer attends.

21 “(c) IMMEDIATE SUSPENSION.—Nothing in this sec-
22 tion shall prevent the immediate suspension with pay of
23 a law enforcement officer—

24 “(1) whose continued presence on the job is
25 considered to be a substantial and immediate threat

1 to the welfare of the law enforcement agency or the
2 public;

3 “(2) who refuses to obey a direct order issued
4 in conformance with the agency’s written and dis-
5 seminated rules and regulations; or

6 “(3) who is accused of committing an illegal
7 act.

8 “(d) EXISTING PROCEDURES.—The provisions of this
9 section shall not apply to a law enforcement agency if the
10 Attorney General determines that such agency has in ef-
11 fect an established civil service system, agency review
12 board, grievance procedure or personnel board, which
13 meets or exceeds the minimum standards of subsection
14 (b).

15 “(e) REGULATIONS.—The Attorney General may pre-
16 scribe such regulations as may be necessary to carry out
17 this section.

18 “(f) DEFINITIONS.—For purposes of this section—

19 “(1) the term ‘law enforcement agency’ means
20 any State or unit of local government within the
21 State that employs law enforcement officers; and

22 “(2) the term ‘law enforcement officer’ means
23 an officer with the powers of arrest as defined by

- 1 the laws of each State and required to be certified
- 2 under the laws of such State.”.

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